

a mast having a mast axis and disposed in said housing;

A! Could.
a first actuator connected to and rotating said mast about
said mast axis, said first actuator mechanically connected to
and supported by said housing; and

a second actuator connected to and pivoting said housing for
raising and lowering said mast.

Remarks:

Reconsideration of the application is requested.

Claims 1-28 remain in the application. Claim 1 has been
amended. A marked-up version of the claim is attached hereto
on a separate page.

In items 2-11 on pages 2-3 of the above-identified Office
action, claims 1-4, 6, 9, 10, 15 and 25 have been rejected as
being obvious over U.S. Patent 5,140,928 to Frick under 35
U.S.C. § 103.

The rejection has been noted and claim 1 has been amended in
an effort to even more clearly define the invention of the
instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*, a

~~A fishing system to be mounted to a boat,~~ the fishing system contains a housing, a mast having a mast axis and disposed in the housing, and a first actuator connected to and rotating the mast about the mast axis. The first actuator is mechanically connected to and supported by the housing. A second actuator is connected to and pivots the housing for raising and lowering the mast.

Frick discloses a housing or face plate 32, a tubular mounting insert 14 holding a mast 12 disposed on an outer disk member 36 disposed within a recess 34 formed in the housing 32, a first actuator 78 connected to and rotating an inner ring shaped disk 38. The inner disk 38 is secured via fasteners 40, 42 to the outer disk 36 and therefore a rotation of the inner disk 38 causes a rotation of the outer disk 36 resulting in the mast 12, 14 following a circular path as the outer disk 36 rotates. A second actuator 52 is connected to and pivots the mounting insert 14 which in turn pivots the mask 12.

In contrast, the invention of the instant application teaches a mast 41-43 and 48 disposed in a housing 49. The mast piece 48 is connected to the first actuator 60 and the first

actuator 60 rotates the mask about the mast axis. Amended claim 1 of the instant application recites these features. As a mast axis is an inherent feature of the mast, no new matter is believed to have been entered by the amendment of claim 1.

Frick teaches that the actuator 52 is connected to and pivots the mast 12, 14 but it does not rotate the mast about the mast axis. In contrast, claim 1 of the instant application recites that the first actuator 60 is connected to and rotates the mast 41-43, 48 about a mast axis but the first actuator does not pivot the mast. It is noted that the Examiner states that the actuator 78 of Frick is connected to and rotates the mast. It is respectfully stated the actuator 78 is connected to and rotates the inner ring 38 which moves the whole mast in a circular motion but under no circumstances is the mast itself rotated about its own axis nor is the actuator 78 connected to the mast as recited in claim 1 of the instant application.

Further, claim 1 of the instant application teaches that the second actuator 64 is connected to and pivots the housing 49. In contrast, Frick teaches the actuator 78 is connected to and rotates the inner disk 38. In no instance is the housing 32 rotated or pivoted.

The Examiner further states "It would be obvious to one having ordinary skill in the art at the time the invention was made

to locate the mast within the housing and pivot the entire housing instead of solely the mast, since it has been held that rearranging parts of an invention involves only routine skill in the art". It is noted that under no circumstances could the housing 32 be pivoted as it is the feature

permanently attached to the boat and therefore we respectfully disagree with the Examiner's statement.

In regards to claim 2, the instant application recites a holding plate and the housing is pivotally mounted in the holding plate. In contrast, Frisk teaches that the holding plate 60 supports or is part of the housing 32 and the housing 32 is not pivotally mounted in the holding plate 60 and therefore is not believed to read on claim 2 of the instant application.

In regards to claim 3, applicant respectfully disagrees with the Examiner's statements because the whole concept is not possible in Frick. The holding plate 60 supports the housing 32 and no pivotal mounting is taught.

In regards to claim 4, it is noted that the actuator 78 of Frick is not connected to the base plate 60 as stated by the Examiner. Rather the second actuator 78 is connected to the inside of the face plate 32 (see column 6, lines 9-15 of Frick).

In regards to claims 6 and 25, applicant respectfully disagrees with the Examiner's statement that it would be obvious to use carbon fiber for the mast. First, it is ~~believed that carbon fiber has never been used in a fishing~~ mast and that only metals such as steel or aluminum have ever been used. In other words, the use of a carbon fiber mast was contrary to all teachings in the prior art. Until now only metals were used in fishing masts because of the mistaken believe that they replicate the natural movement of fish bait. As a boat progresses forward in the water, the drag coefficient of the fish bait puts a stress on the metal mast. The stress reaches a point where the metal mast springs back and pulls the fish bait out of the water during a spring back motion of the mast. In the prior art, the pulling of the fish bait out of the water was considered an essential feature and therefore only materials that spring back due to the drag forces provided by the fish bait were chosen.

In contrast, a carbon fiber mast has a higher strength than steel and does not spring back under the stresses created by drag forces of the fish bait. Therefore, the bait fish duplicates a natural swimming motion of live fish and does not jump out of the water every so often. In other words, the prior art teaches against using a mast formed of carbon fiber and the Examiner is requested to show proof to the contrary.

In regards to claim 10, it is noted that the inner ring 38 is not connected to the mast 14 in Frick. Rather the inner ring is connected to the outer ring 36 which in turn is rotatably ~~connected to the mast.~~ In contrast, claim 10 of the instant application recites a base part 48 connected to the mast and to the first actuator 60. In Frick the inner ring 38 is connected to the actuator 78 but not to the mast. The outer ring 36 is connected to the mast but not the actuator 78 and is therefore not believed to read on claim 10 of the instant application.

In item 12 on pages 3 and 4 of the above-identified Office action, claim 7 has been rejected as being obvious over U.S. Patent 5,140,928 to Frick in view of U.S. Patent 5,445,102 to Rupp under 35 U.S.C. § 103. It is noted that claim 7 depends from claim 1 and claim 1 is believed to be allowable and therefore claim 7 is also believed to be allowable.

In item 13 on page 4 of the Office action, it is appreciatively noted that claims 21-24 are allowed.

In item 14 on page 4 of the Office action, it is appreciatively noted that claims 5, 8, 11-14, 16-20 and 26-28 would be allowable if rewritten in independent form. As amended claim 1 is believed to be allowable, these claims are

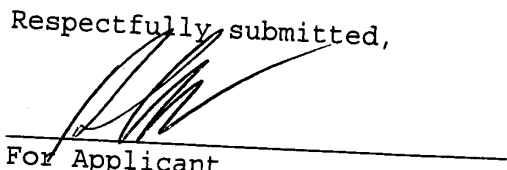
now also believed to be allowable. In addition, claim 25 is believed to be allowable as originally written and therefore claims 26-28 are also believed to be allowable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 25. Claims 1 and 25 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or claim 25.

In view of the foregoing, reconsideration and allowance of claims 1-28 are solicited.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,


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REL:cgm

January 23, 2003
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Version With Markings to Show Changes Made:

Claim 1 (amended). A fishing system to be mounted to a boat,
the fishing system comprising:

a housing;

a mast having a mast axis and disposed in said housing;

a first actuator connected to and rotating said mast about
said mast axis, said first actuator mechanically connected to
and supported by said housing; and

a second actuator connected to and pivoting said housing for
raising and lowering said mast.